

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

AUSA: Eric Straus

Michael Everson

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Kisber RODRIGUEZ-NOGALES

Case No.

Case: 2:25-mj-30078

Assigned To : Unassigned

Assign. Date : 2/20/2025

Description: RE: KISBER

RODRIGUEZ-NOGALES (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 7, 2025 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about February 7, 2025, in the Eastern District of Michigan, Southern Division, Kisber RODRIGUEZ-NOGALES, an alien from **Venezuela**, was found in the United States after having been denied admission, excluded, deported, and removed there from on or about November 13, 2023, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.*Complainant's signature*Michael Everson, Border Patrol Agent*Printed name and title*

Sworn to before me and signed in my presence
and/or by reliable electronic means.

*Judge's signature*Date: February 20, 2025City and state: Detroit, MIDavid R. Grand, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Kisber RODRIGUEZ-NOGALES, which reveals the following:
2. RODRIGUEZ-NOGALES is a thirty-two-year-old male, native and citizen of Venezuela, who last entered the United States illegally on December 29, 2023, at or near Eagle Pass, Texas.
3. On or about November 13, 2023, RODRIGUEZ-NOGALES was arrested by Border Patrol Agents near El Paso, Texas. He was processed for Expedited Removal and subsequently removed back to Venezuela on November 15, 2023, through Santa Teresa, New Mexico.
4. On or about November 29, 2023, RODRIGUEZ-NOGALES was arrested by Border Patrol Agents near Eagle Pass, Texas. His prior order of removal was reinstated and held in custody for removal.
5. On or about April 5, 2024, RODRIGUEZ-NOGALES was released from custody on his own recognizance to the Denver, Colorado, area due to the country of Venezuela refusing to receive Venezuelan citizens during this time period. RODRIGUEZ-NOGALES was instructed to report to Immigration Customs and Enforcement (ICE) in Colorado. RODRIGUEZ-NOGALES was also instructed not to leave Colorado without permission from ICE.
6. On or about February 7, 2025, RODRIGUEZ-NOGALES was arrested by Border Patrol Agents after he exited a residence in Detroit, Michigan. RODRIGUEZ-NOGALES did not have permission from ICE to leave Colorado. His prior order of removal was reinstated.
7. RODRIGUEZ-NOGALES's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the

Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that RODRIGUEZ-NOGALES is a citizen of Venezuela with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that RODRIGUEZ-NOGALES legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.

8. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
9. Review of the Alien File (A# xxx xxx 694) for RODRIGUEZ-NOGALES and queries in Department of Homeland Security databases confirm no record exists of RODRIGUEZ-NOGALES obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on November 15, 2023.
10. Based on the above information, I believe there is probable cause to conclude that Kisber RODRIGUEZ-NOGALES, is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in

violation of Title 8, United States Code, Section 1326(a).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

February 20, 2025